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| 60533 | 7590 | 07/24/2007 | | |
| TOLER SCHAFFER, LLP 8500 BLUFFSTONE COVE SUITE A201 AUSTIN, TX 78759 | | | EXAMINER MOORE JR, MICHAEL J | |
| | | | ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/810,488

Applicant(s)

DEAS, DAVID A.

Examiner

Michael J. Moore, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14,15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-8,15,17 and 18 is/are allowed.
- 6) ☒ Claim(s) 14 is/are rejected.
- 7) ☒ Claim(s) 9-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 9/17/04 and 1/3/07 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statements.

Specification

2. The disclosure is objected to because of the following informalities: On page 1, paragraph 1, line 2, the word "get" is not needed.

Appropriate correction is required.

Claim Objections

3. Claim 9 is objected to because of the following informalities: It appears that an extra "period" is present at the end of claim 9. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Santhoff (U.S. 2003/0235236) cited in Applicant's submitted IDS.

Regarding claim **14**, “an ultra wideband adapter” is anticipated by the service provider UWB device 40 (ultra wideband adapter) of Figure 4 spoken of on page 6, paragraph 59.

“A first input coupled to a video output of a passive optical network element” as well as “a second input coupled to a data output of the passive optical network element” is anticipated by the input (first input, second input) of the service provider UWB device 40 coupled to the output (video output, data output) of satellite receiver 20 (passive optical network element) that provides audio, video, and data information received from terrestrial sources via fiber optic cables as shown in Figure 4 and spoken of on page 6, paragraphs 57 and 59.

“A data output coupled via a data communication line to a passive cable splitter element” is anticipated by the output (data output) of service provider UWB device 40 coupled to subscriber UWB device 50 (passive cable splitter element) as shown in Figure 4.

“The passive cable splitter element connected to a first coaxial cable path and a second coaxial cable path” is anticipated by the path connections to subscriber UWB device 50 (passive cable splitter element) as shown in Figure 4 as well as the coaxial cable medium spoken of on page 6, paragraph 64.

Lastly, “at least one of the first and the second coaxial cable paths connected to a remote ultra wideband adapter” is anticipated by the path connections to subscriber UWB device 50 (remote ultra wideband adapter) as shown in Figure 4 as well as the coaxial cable medium spoken of on page 6, paragraph 64.

Allowable Subject Matter

6. Claims **1, 3-12, 15, 17, and 18** are allowable over the prior art of record.
7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim **1**, *Santhoff* teaches satellite receiver 20 (passive optical network element) that provides audio, video, and data information received from terrestrial sources via fiber optic cables as shown in Figure 4 and spoken of on page 6, paragraphs 57 and 59.

Santhoff also teaches service provider UWB device 40 (first ultra wideband adapter) having a first output as shown in Figure 4.

Santhoff also teaches subscriber UWB device 50 (passive communication line splitter) coupled to service provider UWB device 40 that is connected to television receiving device 60 as shown in Figure 4.

Santhoff as well as the other prior art of record fail to teach “a second ultra wideband adapter including a second input coupled to the passive communication line splitter via the second communication line, the second ultra wideband adapter having a connection to an end user computer device”.

Regarding claims **3-8**, these claims are further limiting to claim **1** and are thus also allowable over the prior art of record.

Regarding claim **9**, *Santhoff* teaches satellite receiver 20 (passive optical network element) that provides audio, video, and data information received from terrestrial

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sources via fiber optic cables as shown in Figure 4 and spoken of on page 6, paragraphs 57 and 59.

Santhoff also teaches service provider UWB device 40 (first ultra wideband adapter) having a first output as shown in Figure 4.

Santhoff also teaches subscriber UWB device 50 (passive communication line splitter) coupled to service provider UWB device 40 that is connected to television receiving device 60 as shown in Figure 4.

Santhoff as well as the other prior art of record fail to teach “a second ultra wideband adapter having an input coupled to the second coaxial cable path and having an output data connection configured to interface with a personal computer”.

Regarding claims **10-12**, these claims are further limiting to claim **9** and are thus also allowable over the prior art of record.

Regarding claim **15**, *Santhoff* teaches satellite receiver 20 (passive optical network element) that provides audio, video, and data information received from terrestrial sources via fiber optic cables as shown in Figure 4 and spoken of on page 6, paragraphs 57 and 59.

Santhoff also teaches service provider UWB device 40 that modulates the Internet data, telephony data, and the data received from satellite receiver 20 into a multiplicity of UWB pulses (UWB signal) as spoken of on page 6, paragraph 59.

Santhoff also teaches communication between service provider UWB device 40 and subscriber UWB device 50 (passive cable splitter element) as spoken of on page 6, paragraph 60.

Santhoff as well as the other prior art of record fail to teach "splitting the video signal and the ultra wideband signal at the passive cable splitter element into a first split signal and a second split signal, wherein the first split signal and the second split signal both include the video signal and the ultra wideband signal, providing the first split signal to a video receiving device; providing the second split signal to an ultra wideband adapter; detecting the ultra wideband signal in the second split signal at the ultra wideband adapter; and converting the ultra wideband signal at the ultra wideband adapter into a computer readable data signal".

Regarding claims **17 and 18**, these claims are further limiting to claim **15** and are thus also allowable over the prior art of record.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Palm et al. (U.S. 2004/0187156) is another reference considered pertinent to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (7:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached at (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael J. Moore, Jr.
Examiner
Art Unit 2616

mjmMM


WING CHAN 7/19/07
SUPERVISORY PATENT EXAMINER